

1 ORDINANCE NO. 2011-364

2
3 SPONSOR Mr. Pry

4
5 DATE December 12, 2011 COMMITTEE Rules

6
7 **An amended Ordinance amending Section 521.10 of the Codified Ordinances of the County**
8 **of Summit, entitled “Noxious Weeds and Rank Vegetation,” to provide for a more efficient**
9 **enforcement of that Section, for the Executive’s Department of Law, Insurance and Risk**
10 **Management, and declaring an emergency.**

11
12 WHEREAS, Section 521.10 of the Codified Ordinances of the County of Summit,
13 entitled “Noxious Weeds and Rank Vegetation,” sets forth the prohibition against noxious weeds
14 and rank vegetation on improved property in municipalities and townships served by the County
15 Building Department; and

16
17 WHEREAS, Sections 731.51-731.54 of the Ohio Revised Code provide for the removal
18 of noxious weeds in a municipal corporation, and Sections 5579.05-5579.07 of the Ohio Revised
19 Code provide for the removal of noxious weeds in a township, and these sections of the Ohio
20 Revised Code give property owners five days after receiving notice of noxious weeds growing on
21 their land to remove the noxious weeds; and

22
23 WHEREAS, zoning inspectors should have primary authority to enforce Section 521.10
24 of the Codified Ordinances of the County of Summit because of the limited authority of County
25 Building Inspectors; and

26
27 WHEREAS, the municipality or township that removes noxious weeds or rank vegetation
28 should take more responsibility for pursuing compensation by land owners; and

29
30 WHEREAS, property owners should be given legally sufficient notice of the conditions
31 on their property before the municipality or township acts to remove noxious weeds and/or rank
32 vegetation; and

33
34 WHEREAS, after reviewing all pertinent information, this Council has determined that
35 the acceptance and approval of the aforementioned amendment to Section 521.10 of the Codified
36 Ordinances of the County of Summit is necessary and in the best interest of the County of
37 Summit;

38
39 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit,
40 State of Ohio, that:

41
42 SECTION 1

43
44 Section 521.10 of the Codified Ordinances of the County of Summit, entitled “Noxious
45 Weeds and Rank Vegetation,” is hereby amended as follows:
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4 SECTION 1 (cont'd.)

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6 **521.10 NOXIOUS WEEDS AND RANK VEGETATION**

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8 (a) Definitions. As used in this section:

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10 (1) "Weeds" includes, but is not limited, to the following: Bittersweet (Nightshade),
11 Buckthorn, Thistles, Curley Dock, Corncockle, Golden Rod, Iron Weed, Horse Nettle,
12 Johnsongrass, Milkweed, Oxeye daisy, Quackgrass, Queen Anne's Lace, Wild Onion,
13 Wild Mustard, Wild Parsnips, Prickly Lettuce, and other plants capable of causing
14 skin reactions upon contact, or producing severe allergic respiratory reactions.

15
16 (2) "Noxious weeds" means those plants defined as "Prohibited Noxious Weeds" in
17 Section 901:5-37-01 of the Ohio Administrative Code and any of the following:
18 Golden Rod, Poison Hemlock, Poison Ivy, Poison Oak, Ragweed, Stinging Nettle,
19 and other plants capable of causing skin reactions upon contact or producing severe
20 allergic respiratory reactions.

21
22 (3) "Rank vegetation" means any growth of weeds or grass to a height of eight inches or
23 higher on any improved property.

24
25 (4) "Improved property" shall mean any property that has constructed upon it, or in
26 proximity to it, any building or similar structure used or intended to be used as the
27 residence or domicile of persons or as a place of business where persons are present
28 during working hours or any property in a residential subdivision to which is extended
29 any improvement required by the Subdivision Regulations.

30
31 (5) "Non-improved property" shall mean any property that does not have a building or
32 similar structure constructed upon it and is generally vacant.

33
34 (b) The County of Summit has hereby determined that the presence of noxious weeds or rank
35 vegetation on any improved property in any township or the right-of-way portion of any
36 non-improved property in any township area in the County under the jurisdiction of the
37 Building Department of the County of Summit after the first day of May each year is a
38 public nuisance.

39
40 (c) The Clerk of County Council shall publish in one (1) newspaper of ~~local~~ general
41 circulation during the first day of May each year notice of the County's determination that
42 noxious weeds and rank vegetation are public nuisances. The notice shall further demand
43 that all owners of ~~improved~~ property in any township areas under the jurisdiction of the
44 Building Department remove all noxious weeds and regularly cut rank vegetation to a
45 height of less than eight inches on improved property and within the right-of-way portion
46 of any non-improved property.

47
48 (d) After the publication of the foregoing notice, should any noxious weeds or rank
49 vegetation be found on any improved property or within the right-of-way portion of any
50 non-improved property in any township, the areas under the jurisdiction of the Building

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4 SECTION 1 (cont'd.)
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6 ~~Department, the Building Department or Zoning Inspectors in these areas that township~~
7 ~~shall cause written notice to be served by certified mail upon the tax mailing address of~~
8 ~~the owner of the property as maintained by the County Fiscal Officer, lessee, agent or~~
9 ~~tenant having control of such property, provided that such mailing address is known to~~
10 ~~the township, notifying them owner that noxious weeds and/or rank vegetation is growing~~
11 ~~on the property and/or that the noxious weeds must be removed and the rank vegetation~~
12 ~~must be cut and removed within two weeks five (5) days of receipt of such notice. If the~~
13 ~~owner or other person having control of such property is not a resident of the County of~~
14 ~~Summit and their address is known, such notice shall be sent to their address by certified~~
15 ~~mail. If delivery via certified mail fails, notice may shall be served to the same mailing~~
16 ~~address by regular U.S. Mail, evidenced by a certificate of mailing, and a copy of the~~
17 ~~notice shall be posted upon the subject property on the same date of the certificate of~~
18 ~~mailing. If the property owner fails to remove the noxious weeds and cut and remove the~~
19 ~~rank vegetation within seven (7) days of the date of said posting and regular mail, the~~
20 ~~township may proceed with the actions set forth under Subsection (e). Notice by regular~~
21 ~~mail shall be deemed complete if the notice is not returned to the township by postal~~
22 ~~authorities with an endorsement showing failure of delivery within five days of the date~~
23 ~~of mailing, and the township may proceed to take any actions under subsection (e) of this~~
24 ~~Section. If the mailing address of such owner, lessee, agent or tenant having control of~~
25 ~~such property is unknown, it shall be sufficient to publish such notice once in a~~
26 ~~newspaper of general circulation in the County and, to the extent possible, post a copy of~~
27 ~~said notice upon the subject property. In the event of notice by publication, the township~~
28 ~~may proceed to take any actions under subsection (e) of this Section after the expiration~~
29 ~~of five days from the date of publication.~~
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- 31 (e) ~~If the owner, lessee, agent or tenant having or other person in control of the property fails~~
32 ~~to comply with the foregoing notice in the specified time period, the Building Department~~
33 ~~or local Zoning Inspector of the township shall cause all noxious weeds to be removed~~
34 ~~and all rank vegetation to be cut and removed at the expense of the requesting~~
35 ~~municipality or township. The expenses for all necessary work, including, but not limited~~
36 ~~to, cutting, mowing, raking and applying weed killer, shall be billed to the property owner~~
37 ~~by certified mail related to the removal of the noxious weeds or rank vegetation and any~~
38 ~~costs associated with the enforcement of this Section or any notice required hereunder~~
39 ~~shall be billed to the owner of the property by the township and reimbursed to the~~
40 ~~township by the owner of the property. If the property owner fails to reimburse the~~
41 ~~municipality or township for its expenses within thirty (30) days, the Clerk of Council~~
42 ~~township shall send written notice to the County Fiscal Officer of the action of the~~
43 ~~Building Department or Zoning Inspector with a statement of all expenses related to the~~
44 ~~removal of the noxious weeds or rank vegetation and any costs associated with the~~
45 ~~enforcement of this Section or any notice required hereunder the charges for the services,~~
46 ~~the fees of the officers who made the service, the notice and return, a proper description~~
47 ~~of the property and a request that all eests and fees expenses be entered upon the tax~~
48 ~~duplicate and a lien be placed upon the property from the date of entry, which shall be~~
49 ~~collected as other taxes and returned to the municipality or township according to law.~~

1 ORDINANCE NO. 2011-364

2 PAGE FOUR

3
4 SECTION 2

5
6 This Ordinance is hereby declared to be an emergency measure necessary for the health,
7 safety and welfare of the residents of the County and to immediately improve the efficiency of
8 the enforcement of the aforementioned section in order to immediately reduce the amount of
9 noxious weeds and rank vegetation in the County.

10
11 SECTION 3

12
13 Provided this Ordinance receives the affirmative vote of eight members, it shall take
14 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
15 effect and be in force at the earliest time provided by law.

16
17 SECTION 4

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19 It is found and determined that all formal actions of this Council concerning and relating
20 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
21 deliberations of this Council and of any of its committees that resulted in such formal action,
22 were in meetings open to the public, in compliance with all legal requirements, including Section
23 121.22 of the Ohio Revised Code.

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25
26 INTRODUCED August 29, 2011

27
28 ADOPTED December 12, 2011

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33 CLERK OF COUNCIL

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37 
38 PRESIDENT OF COUNCIL

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40 APPROVED December 13, 2011

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43 
44 EXECUTIVE

45 ENACTED EFFECTIVE December 13, 2011

Voice Vote:8-0: Komunale, Crawford, Feeman, Kurt, Lee, Roemer, Schmidt, Shapiro
ABSENT: Kostandaras, Prentice, Rodgers